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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,705	12/08/2000	Tatsu Inoue	Q62170	9696

7590

07/13/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/731,705

Applicant(s)

INOUE, TATSU

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/8/2002</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemmons '768 (Lemmons et al., US005880768A).

With regard to claims 1 and 7, Lemmons '768 discloses a program guide displaying apparatus (set top box 70, fig. 1) and corresponding method comprising: a program information obtaining device (set top box 70, fig. 1, detail, see fig. 2) for obtaining program information (col. 6, ll. 48-50) including information indicative of a program name (title, col. 6, ll. 13-16), a genre name (theme, col. 6, ll. 13-16), a start time (telecast time, col. 6, ll. 13-16), a length of a program (length of program cell, col. 7, l. 67 – col. 8, l. 6), a broadcasting channel (telecast call sign, col. 6, ll. 13-16), and a broadcasting date (col. 6, ll. 28-31) or respective one of a plurality of programs; a setting device (favorite channel display mode, col. 17, ll. 47-49) for setting a specific condition with respect to at least one of a time and a channel of the program (used to designate one or more channels as “favorite” channels of the user, col. 17, ll. 47-49); and a displaying device (display 84, fig. 2) for displaying a first program table (guide screen 100, fig. 3), in which a plurality of program information for the programs are displayed in a 2-dimension of a time

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axis (time bar 102) and a channel axis (channel bar 108) (col. 8, ll. 43-57), and a second program table (200, fig. 7), in which the plurality of program information for the programs are edited for each genre (search selection criterion, e.g., drama, action, science fiction, etc., col. 14, l. 65 – col. 15, l. 15), such that a portion (program descriptions 114, fig. 3, which include textual representation of genre code, e.g., “Drama” and “Adv”) of each program within the first program table (100, figs. 3-6) and a portion (search selection criteria, 202) of each genre within the second program table are displayed in a common display manner which is differentiated for each genre (program descriptions 114 of first program table 100, and selection search criteria 202 of second program table 200, both display genre codes using textual representations such as “Drama”, “Action”, etc.) and that a portion of each program which satisfies the specific condition (i.e., favorite channel) set by said setting device is displayed in a manner different from that for a portion of each program, which does not satisfy the specific condition set by said setting device (where a favorite channel is displayed before a channel which is not a favorite channel in a list sorted according to the favorite channel function, col. 17, ll. 49-55).

With regard to claims 3 and 9, Lemmons ‘768 discloses the program guide displaying apparatus according to claims 1 and 7 (see above), wherein said displaying device displays the first program table (100, fig. 3) and the second program table (200, fig. 7) such that the portion of each program (program description 114, fig. 3) within the first program table and the portion of each genre (search selection criteria 202, fig. 7) within the second program table are displayed with the same pattern for each genre (i.e., using textual representations such as “Drama” and “Action”, see figs. 3 and 7).

1. Claims 2, 4-6, 8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons ‘768 in view of Lemmons ‘011 (US006481011B1).

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With regard to claims 2 and 8, Lemmons '768 discloses the program guide displaying apparatus according to claims 1 and 7 (see above), wherein said displaying device displays the first program table (100, fig. 3) and the second program table (200, fig. 7) such that the portion of each program (program description 114, fig. 3) within the first program table and the portion of each genre (search selection criteria 202, fig. 7) within the second program table are displayed in a common manner for each genre (i.e., using textual representations such as "Drama" and "Action", see figs. 3 and 7). Lemmons '768 fails to disclose that the genres are differentiated by color.

In analogous art, Lemmons '011 discloses an electronic programming guide system in which genres are differentiated by color (col. 5, ll. 17-24), for the purpose of allowing the user to quickly and easily recognize programming of a particular genre (col. 5, ll. 24-28).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lemmons '768 to include the genres are differentiated by color, as taught by Lemmons '011, for the purpose of allowing the user to quickly and easily recognize programming of a particular genre in a programming guide displaying system.

With regard to claims 4 and 10, Lemmons '768 discloses the program guide displaying apparatus according to claims 1 and 7 (see above), wherein said displaying device displays the first program table (100, fig. 3) and the second program table (200, fig. 7) such that the portion of each program (program description 114, fig. 3), which satisfies the specific condition, is displayed in a manner different from that for the portion of each program which does not satisfy the specific condition (where a favorite channel is displayed before a channel which is not a favorite channel in a list sorted according to the favorite channel function, col. 17, ll. 49-55). Lemmons '768 fails to disclose that the portion of each program which satisfies the specific condition is displayed with a color different from that for the portion of each program which does not satisfy the specific condition.

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In an analogous art, Lemmons '011 discloses each program which satisfies the specific condition (preference attribute) is displayed with a color different from that for the portion of each program which does not satisfy the specific condition (i.e., the preference attribute and its respective colors are associated as display criteria for use by the program guide, col. 5, ll. 17-24), for the purpose of providing visual emphasis to programming that meets the preferred criteria (col. 5, ll. 24-28).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lemmons '768 to include each program which satisfies the specific condition is displayed with a color different from that for the portion of each program which does not satisfy the specific condition, as taught by Lemmons '011, for the purpose of providing visual emphasis to programming that meets the preferred criteria in a program guide display system.

With regard to claims 5 and 11, Lemmons '768 discloses the program guide displaying apparatus according to claims 1 and 7 (see above), wherein said displaying device displays the first program table (100, fig. 3) and the second program table (200, fig. 7) such that the portion of each program (program description 114, fig. 3), which satisfies the specific condition, is displayed in a manner different from that for the portion of each program which does not satisfy the specific condition (where a favorite channel is displayed before a channel which is not a favorite channel in a list sorted according to the favorite channel function, col. 17, ll. 49-55). Lemmons '768 fails to disclose that the portion of each program which satisfies the specific condition is displayed with a pattern different from that for the portion of each program which does not satisfy the specific condition.

In an analogous art, Lemmons '011 discloses each program which satisfies the specific condition (preference attribute) is displayed with a pattern different from that for the portion of each program which does not satisfy the specific condition (col. 5, ll. 17-24 & col. 7, ll. 49-52, e.g., "solid" or "striped"), for

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the purpose of providing visual emphasis to programming that meets the preferred criteria (col. 5, ll. 24-28).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lemmons '768 to include each program which satisfies the specific condition is displayed with a pattern different from that for the portion of each program which does not satisfy the specific condition, as taught by Lemmons '011, for the purpose of providing visual emphasis to programming that meets the preferred criteria in a program guide display system.

With regard to claims 6 and 12, Lemmons '768 discloses the program guide displaying apparatus according to claims 1 and 7, wherein said displaying device displays a first program table (100, fig. 3) and a second program table (200, fig. 7). Lemmons '768 fails to disclose that an overlapped portion of the portions displayed in different manners from each other is displayed in a further different display manner.

In an analogous art, Lemmons '011 discloses an overlapped portion of the portions displayed in different manners from each other (i.e., a program with two or more preference attributes, each associated with a different color, col. 9, ll. 43-50, e.g., one color associated with a particular genre, and another color associated with a particular actor) is displayed in a further different display manner (i.e., alternating stripes, or any other format for displaying two or more colors simultaneously, col. 9, ll. 55-58), for the purpose of visually emphasizing two or more preference attributes regarding a program simultaneously (col. 9, ll. 35-42).

Consequently it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lemmons '768 to include an overlapped portion of the portions displayed in different manners from each other is displayed in a further different display manner, as taught by Lemmons '011, for the purpose of visually emphasizing two or more preference attributes regarding a program simultaneously in a program guide displaying apparatus.

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### ***Conclusion***

2. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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(Date)

Typed or printed name of person signing this certificate:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht  
Examiner  
Art Unit 2611

CML

  
CHRIS GRANT  
PRIMARY EXAMINER